

The Gazette of India

EXTRAORDINARY PART II—Section 3—Sub-section (ii) PUBLISHED BY AUTHORITY

No. 94]

NEW DELHI, FRIDAY, JUNE 19, 1959/JAISTHA 29, 1881

CENTRAL BOARD OF REVENUE

NOTIFICATION

INCOME-TAX

New Delhi, the 17th June 1959

S.O. 1510.—The following draft of certain further amendments in the Indian Income-tax Rules, 1922, which the Central Board of Revenue proposes to make in exercise of the powers conferred by sub-section (1) of Section 59 of the Indian Income-tax Act 1922 (11 of 1922), is published as required by sub-section (4) of the said section, for information of persons likely to be affected thereby; and notice is hereby given that the said draft will be taken into consideration on or after the 6th July 1959.

2. Any objection or suggestion which may be received from any person with respect to the said draft before the date so specified will be considered by the said Board.

Draft Amendments

In the said rules—in the Forms appended to rule 19 as notified in SRO 1442 dated the 24th April, 1957 and published in the Gazette of India Part II Section 3 of the 11th May, 1957:

(1) ~~in~~ Form A,—

(i) in Section B of Part I for items (b) and (c) the following items shall be substituted namely,

“(b) persons *ordinarily resident* in the taxable territories should show their full income except in the case of ‘salaries’ chargeable to tax in the assessment year 1959-60, in which case such income may be shown after deducting upto a maximum of Rs. 4,500 out of income not remitted to the taxable territories (if the amount deducted is less than Rs. 4,500 it should be specified).

(c) Persons *Resident but not ordinarily resident* should show only so much of the income—

(i) as arises from a business controlled in India, or a Profession or Vocation set up in India; or

(ii) as is actually received in or remitted to the taxable territories out of any other income”

(ii) in Section C of Part I,—

(a) in para 1 after the words “and before the 1st April, 1948”, the following words shall be inserted, namely:—

“and after the 1st day of April, 1956”.

(b) for item (d) the following shall be substituted, namely:—

“Out of income which accrued or arose in a foreign country and

- (i) was not charged to tax on account of the deduction of upto Rs. 4,500 or otherwise—and is not eligible for exemption under the fourth or fifth proviso to sub-section (1) of Section 4 of Income-tax Act;
 - (ii) was charged to tax or is eligible for exemption under the fourth or fifth proviso to sub-section (1) of Section 4 of Income-tax Act—
[Item (ii) is to be mentioned only but is not to be added in the total income.]
 - (iii) in Part V—Depreciation, in the column headed "Depreciation claimed", the entry "Additional under clause (via) of sub-section (2) of Section 10" shall be omitted.
- (2) In Form B,—
- (i) in Section B of Part I, for item (b) the following shall be substituted, namely:—
“(b) persons ORDINARILY RESIDENT in the taxable territories should show their full income except in the case of ‘salaries’ chargeable to tax in the assessment year 1959-60 in which case such income may be shown after deducting upto a maximum of Rs. 4,500 out of income not remitted to the taxable territories (if the amount deducted is less than Rs. 4,500 it should be specified).”
 - (ii) in Section C of Part I,
 - (a) in para 1, after the words “before the 1st April, 1948”, the following words shall be inserted, namely:—
“and after the 1st day of April, 1956.”
 - (b) for item (d), the following shall be substituted, namely:—
“(d) Out of income which accrued or arose in a foreign country and—
 - (i) was not charged to tax on account of the deduction of upto Rs. 4,500 or otherwise—and is not eligible for exemption under the fourth or fifth proviso to sub-section (1) of Section 4 of Income-tax Act;
 - (ii) was charged to tax or is eligible for exemption under the fourth or fifth proviso to sub-section (1) of Section 4 of Income-tax Act—
[Item (ii) is to be mentioned only but is not to be added in the total income.]
- (3) In Form C,—
- (i) in Section B of Part I for item (b) the following item shall be substituted, namely:—
(b) COMPANIES RESIDENT in the taxable territories should show their full income.
 - (ii) in Section C of Part I—
 - (a) in para 1 after the words “and before the 1st April 1948” the following words shall be inserted namely:—
“and after the 1st day of April, 1956”.
 - (b) for item (d), the following shall be substituted, namely—
(d) “Out of income which accrued or arose in a foreign country and—
 - (i) was not charged to tax on account of the deduction of upto Rs. 4,500 or otherwise—and is not eligible for exemption under the fourth or fifth proviso to sub-section (1) of section 4 of Income-tax Act;
 - (ii) was charged to tax or is eligible under the fourth or fifth proviso to sub-section (1) of Section 4 of Income-tax Act—
[Item (ii) is to be mentioned only but is not to be added in the total income.]
 - (iii) in Part V—Depreciation, in the column headed “Depreciation claimed”, the entry “Additional under clause (via) of sub-section (2) of Section 10” shall be omitted.

[No. 75.]

N. H. NAQVI, Secy.